

Message Text

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PAGE 01 RECIFE 00101 261038Z
ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
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EO 11652: NA
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SUBJECT: NEW POLICE ARREST WIDELY PROTESTED

REF: RECIFE 0098

1. A TWENTY SEVEN YEAR OLD SOCIAL SCIENCES STUDENT WAS ARRESTED ON THE STREET BY FEDERAL POLICE ON THE EVENING OF FRIDAY MAY 12 IN FRONT OF A POPULAR SIDEWALK CAFE IN DOWNTOWN RECIFE. THE POLICE ARRESTED HIM FOR INVESTIGATION OF ALLEGED COMMUNIST ORGANIZING ACTIVITIES. DOM HELDER CAMARA, ARCHBISHOP OF OLINDA AND RECIFE, PROMPTLY LABELED THE ARREST A KIDNAPPING, DEPLORED UNNECESSARY USE OF FORCE, EXPRESSED CONVICTION THAT THE PRISONER WAS INNOCENT OF POLICE CHARGES AND REQUESTED THE MILITARY AUDITOR TO ORDER MEDICAL EXAMINATIONS. THE ARCHDIOCESE'S COMMISSION ON JUSTICE AND PEACE DENOUNCED THE POLICE FOR USING THE SAME METHODS AS TERRORISTS IN THE RECENT ALDO MORO CASE IN ITALY AND EXPRESSED CONVICTION THAT THE STUDENT WAS INNOCENT OF POLICE CHARGES. ON MONDAY MAY 15 A PRISONER TOLD EDUARDO PANDOLFI, THE LAWYER PROVIDED BY THE ARCHDIOCESE'S JUSTICE AND PEACE COMMISSION, THAT THE STUDENT HAD BEEN TORTURED BY THE POLICE. ON MAY 16 PANDOLFI COMMUNICATED THIS INFORMATION AT A STUDENT PROTEST RALLY AT THE FEDERAL UNIVERSITY.
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PAGE 02 RECIFE 00101 261038Z

A SURGE OF STUDENT PROTEST DEMONSTRATIONS FOLLOWED AT THE THREE UNIVERSITIES IN THE RECIFE AREA.

2. THE FEDERAL POLICE ARRESTED EDIVAL NUNES DA SILVA (CAJA) ON THE BASIS OF EVIDENCE OBTAINED IN THE APRIL 8 ARRESTS OF FOUR FUGITIVES WHO HAD BEEN SENTENCED A YEAR EARLIER TO THREE YEARS IMPRISONMENT FOR COMMUNIST ORGANIZING ACTIVITIES. A 1974 REPORT APPEARING

TO BE IN CAJA'S HANDWRITING ON HIS ORGANIZING ACTIVITIES ON BEHALF OF THE ILLEGAL REVOLUTIONARY COMMUNIST PARTY (PCR) WAS MADE PUBLIC BY THE POLICE ON MAY 17 IN AN EFFORT TO OFFSET STUDENT PROTESTS.

3. THE ARREST APPARENTLY WAS MADE WITH NOTIFICATION TO A COURT. ALTHOUGH CAJA LEGALLY WAS INCOMMUNICADO FOR TEN DAYS, THE POLICE INFORMED THE UNIVERSITY RECTOR AND THE ARCHDIOCESE COMMISSION ON JUSTICE AND PEACE OF THE DETENTION ON MAY 14 AND PERMITTED THE RECTOR AND THE STUDENT'S MOTHER TO VISIT THE STUDENT ON MAY 17. CAJA AND HIS MOTHER BOTH MAINTAIN THAT CAJA WAS TORTURED BY THE POLICE. THE POLICE DENIED THE CHARGES AND HAD CAJA EXAMINED BY FOUR STATE EMPLOYED DOCTORS AND TWO OUTSIDE DOCTORS. (RESULTS HAVE NOT BEEN MADE PUBLIC.)

4. THE ARCHDIOCESE COMMISSION ON JUSTICE AND PEACE HAS TAKEN A LEAD ROLE IN PROTESTING THIS ARREST, PERHAPS IN PART BECAUSE CAJA IS A MEMBER OF THE COMMISSION'S YOUTH SECTION. IT HAS MOBILIZED STUDENT AND CIVIL RIGHTS GROUPS INCLUDING THE CATHOLIC CHURCH'S NATIONAL COMMISSION ON JUSTICE AND PEACE, THE COMMISSIONS IN RIO DE JANEIRO AND SAO PAULO, THE NATIONAL COUNCIL OF BISHOPS, RURAL CATHOLIC ACTION, THE PERNAMBUCO CHAPTER OF THE BRAZILIAN BAR ASSOCIATION, THE FEMININE MOVEMENT FOR AMNESTY AND THE MDB (OPPOSITION) POLITICAL PARTY. THE SAO PAULO COMMISSION ON JUSTICE AND PEACE SENT A LAWYER TO MEET WITH THE FEDERAL POLICE AND THE MILITARY AUDITOR. JARBAS VASCONCELOS, MDB FEDERAL LIMITED OFFICIAL USE

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PAGE 03 RECIFE 00101 261038Z

DEPUTY FROM PERNAMBUCO, DENOUNCED THE ARREST ON THE FLOOR OF THE FEDERAL CONGRESS AND CALLED ON THE THE MINISTRY OF JUSTICE TO APPOINT A SPECIAL INQUIRY COMMISSION. FRANCO MONTORO, MDB SENATOR FROM SAO PAULO DENOUNCED THE ARREST IN THE SENATE ON MAY 24. DOM HELDER PROTESTED THE ARREST AT A STUDENT RALLY AT THE STUDENT CENTER IN DOWNTOWN RECIFE ON MAY 19 AND HELD A SPECIAL MASS ON MAY 21 FOR THOSE (INCLUDING CAJA) SUFFERING PERSECUTION IN THE INTEREST OF JUSTICE. THE PRESENCE OF THE POLICE DISCOURAGED A STUDENT MARCH FROM THE LAW SCHOOL TO FEDERAL POLICE HEADQUARTERS IN DOWNTOWN RECIFE ON MAY 22. THE PERNAMBUCO CHAPTER OF THE COMMISSION OF JUSTICE AND PEACE SAYS THAT IT IS PREPARING A REPORT ON KIDNAPPING AND TORTURE IN THE STATE.

5. MDB STATE DEPUTIES MARCUS CUNHA AND ROBERTO FREIRE CRITICIZED THE POLICE IN THE STATE ASSEMBLY FOR THE ARREST AND TORTURE OF CAJA. THEY SAID THAT HIS ACTS, IF TRUE, ARE CLANDESTINE ONLY BECAUSE BRAZIL IS RULED BY A DICTATORSHIP THAT DOES NOT PERMIT FREE EXPRESSION. A MEETING OF STUDENTS FROM ALL THREE UNIVERSITIES WAS HELD ON THE CATHOLIC UNIVERSITY CAMPUS ON THE EVENING OF MAY 24 TO PLAN FURTHER STUDENT ACTION.

6. COMMENT: THE ARREST OF CAJA OCCURRED JUST THREE DAYS AFTER

THE END OF THE POLITICAL PRISONERS HUNGER STRIKE (SEE REFTEL).
THE ARREST HAS LED TO FURTHER ATTACKS ON THE NATIONAL SECURITY
LAW AND ALLEGED ARBITRARY USE OF AUTHORITY BY THE GOVERNMENT.
THE WIDESPREAD PUBLICITY ABOUT THE ARREST ILLUSTRATES THE EXTENT
TO WHICH CASES LIKE THIS ARE ABLE TO BE AIRED IN THE PRESS
THESE DAYS.

7. EMBASSY CONCURS.
HOFFENBERG

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